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17 d/b/a The BlenderBottle Company

18

19 IN THE UNITED STATES DISTRICT COURT  
20  
21 FOR THE EASTERN DISTRICT OF CALIFORNIA

22

23 TROVE BRANDS, LLC d/b/a THE  
24 BLENDERBOTTLE COMPANY, a Utah  
25 limited liability company,

26

27 Plaintiff,

28

v.

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18 TRRS MAGNATE LLC d/b/a HYDRA  
19 CUP,

20

21 Defendant.

22 ) Civil Action No. 2:22-cv-02222-TLN-  
23 ) CKD  
24 )  
25 ) **PLAINTIFF'S ANSWER TO**  
26 ) **DEFENDANT'S**  
27 ) **COUNTERCLAIMS TO FIRST**  
28 ) **AMENDED COMPLAINT**  
17 )  
18 ) Hon. Troy L. Nunley  
19 ) Hon. Carolyn K. Delaney  
20 )  
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1 Plaintiff Trove Brands, LLC, d/b/a The BlenderBottle Company (“Plaintiff”)  
2 hereby answers TRRS Magnate LLC d/b/a Hydra Cup’s (“Hydra Cup” or “Defendant”)  
3 Counterclaims (“Counterclaims”) as follows:

4 **JURISDICTION AND VENUE**

5 1. Plaintiff admits that this Court has jurisdiction over this action. Plaintiff  
6 denies that any of the claims against Plaintiff are valid, and further denies the remaining  
7 allegations of Paragraph 1 of the Counterclaims.

8 2. Plaintiff admits that this Court has personal jurisdiction over it solely with  
9 respect to the claims in the present action. Except as expressly admitted herein, Plaintiff  
10 denies any remaining allegations of Paragraph 2 of the Counterclaims.

11 3. Plaintiff admits that venue is proper in this judicial district regarding the  
12 claims in the present action. Plaintiff denies any remaining allegations of Paragraph 3  
13 of the Counterclaims.

14 **PARTIES**

15 4. Plaintiff lacks knowledge or information sufficient to admit or deny the  
16 allegations contained in Paragraph 4 of the Counterclaims, and therefore denies the  
17 allegations therein on this basis.

18 5. Plaintiff admits the allegations of Paragraph 5 of the Counterclaims.

19 **FACTUAL ALLEGATIONS**

20 6. Plaintiff lacks knowledge or information sufficient to admit or deny the  
21 allegations contained in Paragraph 6 of the Counterclaims, and therefore denies the  
22 allegations therein on this basis.

23 7. Plaintiff admits that it filed the First Amended Complaint in the present  
24 action containing claims for infringement of U.S. Design Patent No. D510,235 (the  
25 “D235 Patent”), D696,551 (the “D551 Patent”), and D697,798 (the “D798 Patent”) and  
26 the Lid Trade Dress as defined by Paragraphs 13-16 of the First Amended Complaint,  
27 the Bottle Trade Dress as defined by Paragraphs 17 and 18 of the First Amended  
28 Complaint, the Agitator Trade Dress as defined by Paragraphs 22-24 of the First

1 Amended Complaint, and the Label Trade Dress as defined by Paragraphs 25 and 26 of  
2 the First Amended Complaint. Plaintiff further admits that an actual and justiciable  
3 controversy exists between Plaintiff and Defendant due to the claims identified herein.  
4 Plaintiff denies the remaining allegations of Paragraph 7 of the Counterclaims.

5 8. Plaintiff denies the allegations of Paragraph 8 of the Counterclaims.

6 9. Plaintiff lacks knowledge or information sufficient to admit or deny the  
7 allegations contained in Paragraph 9 of the Counterclaims, and therefore denies the  
8 allegations therein on this basis.

9 10. Plaintiff admits that the D047 Patent is listed as a reference cited on page  
10 2 of the D798 Patent and page 2 of the D551 Patent. Plaintiff denies the remaining  
11 allegations of Paragraph 10 of the Counterclaims.

12 11. Plaintiff admits that the D235 Patent is listed as a cited reference on page  
13 1 of the D047 Patent. Plaintiff denies the remaining allegations of Paragraph 11 of the  
14 Counterclaims.

15 12. Plaintiff denies the allegations of Paragraph 12 of the Counterclaims.

16 13. Plaintiff denies the allegations of Paragraph 13 of the Counterclaims.

17 14. Plaintiff denies the allegations of Paragraph 14 of the Counterclaims.

18 15. Plaintiff denies the allegations of Paragraph 15 of the Counterclaims.

19 16. Plaintiff denies the allegations of Paragraph 16 of the Counterclaims.

20 17. Plaintiff responds that Paragraph 17 of the Counterclaims is a reservation  
21 of rights that does not require a response. Plaintiff denies any allegations of Paragraph  
22 17 of the Counterclaims.

23 18. Plaintiff admits that the First Amended Complaint includes allegations of  
24 patent and trade dress infringement, and that such allegations provide a substantial  
25 controversy between Plaintiff and Defendant. Plaintiff denies the remaining allegations  
26 of Paragraph 18 of the Counterclaims.

27 **FIRST CAUSE OF ACTION**  
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19. Plaintiff repeats and realleges each of its preceding responses to the allegations of the Counterclaims as though fully set forth herein.

20. Plaintiff admits that Plaintiff asserts claims of patent infringement against Defendant in the present action, such claims create an actual controversy between Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph 20 of the Counterclaims.

21. Plaintiff denies the allegations of Paragraph 21 of the Counterclaims.

22. Plaintiff admits that the application which eventually issued as the D235 Patent was filed with the USPTO on September 9, 2003, and the D235 Patent, entitled “BOTTLE,” issued on October 4, 2005 and claims “[t]he ornamental design for a bottle, as shown and described.”

23. Plaintiff denies the allegations of Paragraph 23 of the Counterclaims.

24. Plaintiff denies the allegations of Paragraph 24 of the Counterclaims.

25. Plaintiff denies the allegations of Paragraph 25 of the Counterclaims.

26. Plaintiff admits that Defendant purports to assert a claim for declaratory judgment of non-infringement of the D235 Patent. Plaintiff denies that Defendant is entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 26 of the Counterclaims.

## **SECOND CAUSE OF ACTION**

27. Plaintiff repeats and realleges each of its preceding responses to the allegations of the Counterclaims as though fully set forth herein.

28. Plaintiff admits that Plaintiff asserts claims of patent infringement against Defendant in the present action, such claims create an actual controversy between Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph 28 of the Counterclaims.

29. Plaintiff denies the allegations of Paragraph 29 of the Counterclaims.

2       30. Plaintiff admits that the application which eventually issued as the D551  
3 Patent was filed with the USPTO on September 7, 2012, and the D551 Patent, entitled  
4 “BOTTLE LID HAVING INTEGRATED HANDLE,” issued on December 31, 2013  
5 and claims “[t]he ornamental design for a bottle lid with an integrated handle, as shown  
6 and described.”

7 31. Plaintiff denies the allegations of Paragraph 31 of the Counterclaims.

8 || 32. Plaintiff denies the allegations of Paragraph 32 of the Counterclaims.

9       33. Plaintiff admits that the D047 Patent is listed as a reference cited on page  
10 2 of the D551 Patent. Plaintiff denies the remaining allegations of Paragraph 33 of the  
11 Counterclaims.

12 ||| 34. Plaintiff denies the allegations of Paragraph 34 of the Counterclaims.

13        35. Plaintiff admits that Defendant purports to assert a claim for declaratory  
14 judgment of non-infringement of the D551 Patent. Plaintiff denies that Defendant is  
15 entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 35 of the  
16 Counterclaims.

## **THIRD CAUSE OF ACTION**

18       36. Plaintiff repeats and realleges each of its preceding responses to the  
19 allegations of the Counterclaims as though fully set forth herein.

37. Plaintiff admits that Plaintiff asserts claims of patent infringement against  
Defendant in the present action, such claims create an actual controversy between  
Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant  
to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph  
37 of the Counterclaims.

38. Plaintiff denies the allegations of Paragraph 38 of the Counterclaims.

26 Plaintiff admits that the application which eventually issued as the D798  
27 Patent was filed with the USPTO on June 6, 2013, and the D798 Patent, entitled  
28

1 “CONTAINER,” issued on January 21, 2014 and claims “[t]he ornamental design for a  
2 container, as shown and described.”

3 40. Plaintiff denies the allegations of Paragraph 40 of the Counterclaims.

4 41. Plaintiff admits that the D047 Patent is listed as a reference cited on page  
5 2 of the D798 Patent. Plaintiff denies the remaining allegations of Paragraph 41 of the  
6 Counterclaims.

7 42. Plaintiff denies the allegations of Paragraph 42 of the Counterclaims.

8       43. Plaintiff admits that Defendant purports to assert a claim for declaratory  
9 judgment of non-infringement of the D798 Patent. Plaintiff denies that Defendant is  
10 entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 43 of the  
11 Counterclaims.

## **FOURTH CAUSE OF ACTION**

14        44. Plaintiff repeats and realleges each of its preceding responses to the  
15 allegations of the Counterclaims as though fully set forth herein.

16       45. Plaintiff admits that Plaintiff asserts claims of trade dress infringement  
17 against Defendant in the present action, such claims create an actual controversy  
18 between Plaintiff and Defendant, and Defendant purports to assert claims and seek relief  
19 pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of  
20 Paragraph 45 of the Counterclaims.

21       46. Plaintiff admits that the trademark application eventually registering as  
22 U.S. Trademark Registration No. 6,800,019 was filed with the USPTO on November 5,  
23 2020, and the mark is described as “a bottle lid with a recessed domed top from which  
24 a conical spout protrudes on one side and a pair of brackets on the opposing side and  
25 the brackets host a pivoting arm containing a circular spout closure element. The dotted  
26 lines are matter not claimed as part of the mark.” Plaintiff further admits that U.S.  
27 Trademark Registration No. 6,800,019 registered on July 26, 2022.

28 47. Plaintiff denies the allegations of Paragraph 47 of the Counterclaims.

1       48. Plaintiff admits that Hydra Cup purports to assert a claim for declaratory  
2 judgment of non-infringement of the Lid Trade Dress. Plaintiff denies that Defendant  
3 is entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 48 of  
4 the Counterclaims.

## **FIFTH CAUSE OF ACTION**

6       49. Plaintiff repeats and realleges each of its preceding responses to the  
7 allegations of the Counterclaims as though fully set forth herein.

8       50. Plaintiff admits that Plaintiff asserts claims of trade dress infringement  
9 against Defendant in the present action, such claims create an actual controversy  
10 between Plaintiff and Defendant, and Defendant purports to assert claims and seek relief  
11 pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of  
12 Paragraph 50 of the Counterclaims.

13        51. Plaintiff admits that the trademark application eventually registering as  
14 U.S. Trademark Registration No. 6,245,626 was filed with the USPTO on August 24,  
15 2020, and the mark is described as “a three-dimensional configuration of a beverage  
16 agitator consisting of a wire that is wound to symmetrically define the shape of a  
17 sphere.” Plaintiff further admits that U.S. Trademark Registration No. 6,245,626  
18 registered on January 12, 2021.

19 52. Plaintiff denies the allegations of Paragraph 52 of the Counterclaims.

20       53. Plaintiff admits that Defendant purports to assert a claim for declaratory  
21 judgment for non-infringement of the Agitator Trade Dress. Plaintiff denies that  
22 Defendant is entitled to any relief. Plaintiff denies the remaining allegations of  
23 Paragraph 53 of the Counterclaims.

## **SIXTH CAUSE OF ACTION**

25       54. Plaintiff repeats and realleges each of its preceding responses to the  
26 allegations of the Counterclaims as though fully set forth herein.

27        55. Plaintiff admits that Plaintiff asserts claims of trade dress infringement  
28 against Defendant in the present action, such claims create an actual controversy

1 between Plaintiff and Defendant, and Defendant purports to assert claims and seek relief  
2 pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of  
3 Paragraph 55 of the Counterclaims.

4 56. Plaintiff admits the allegations of Paragraph 56 of the Counterclaims.

57. Plaintiff denies the allegations of Paragraph 57 of the Counterclaims.

6       58. Plaintiff admits that Defendant purports to assert a claim for declaratory  
7 judgment for non-infringement of the Bottle Trade Dress. Plaintiff denies that  
8 Defendant is entitled to any relief. Plaintiff denies the remaining allegations of  
9 Paragraph 58 of the Counterclaims.

## **SEVENTH CAUSE OF ACTION**

11       59. Plaintiff repeats and realleges each of its preceding responses to the  
12 allegations of the Counterclaims as though fully set forth herein.

13       60. Plaintiff admits that Plaintiff asserts claims of trade dress infringement  
14 against Defendant in the present action, such claims create an actual controversy  
15 between Plaintiff and Defendant, and Defendant purports to assert claims and seek relief  
16 pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of  
17 Paragraph 60 of the Counterclaims.

18 61. Plaintiff admits the allegations of Paragraph 61 of the Counterclaims.

19 ||| 62. Plaintiff denies the allegations of Paragraph 62 of the Counterclaims.

20       63. Plaintiff admits that Defendant purports to assert a claim for declaratory  
21 judgment for non-infringement of the Label Trade Dress. Plaintiff denies that  
22 Defendant is entitled to any relief. Plaintiff denies the remaining allegations of  
23 Paragraph 63 of the Counterclaims.

## **EIGHTH CAUSE OF ACTION**

25       64. Plaintiff repeats and realleges each of its preceding responses to the  
26 allegations of the Counterclaims as though fully set forth herein.

27       65. Plaintiff admits that Plaintiff asserts claims of patent infringement against  
28 Defendant in the present action, such claims create an actual controversy between

1 Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant  
2 to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph  
3 65 of the Counterclaims.

4 66. Plaintiff denies the allegations of Paragraph 66 of the Counterclaims.

5       67. Plaintiff lacks knowledge or information sufficient to admit or deny the  
6 allegations contained in Paragraph 67 of the Counterclaims, and therefore denies the  
7 allegations therein on this basis.

8 68. Plaintiff denies the allegations of Paragraph 68 of the Counterclaims.

9        69. Plaintiff admits that Defendant purports to assert a claim for declaratory  
10 judgment for invalidity of the D235 Patent. Plaintiff denies that Defendant is entitled  
11 to any relief. Plaintiff denies the remaining allegations of Paragraph 69 of the  
12 Counterclaims.

## **NINTH CAUSE OF ACTION**

14       70. Plaintiff repeats and realleges each of its preceding responses to the  
15 allegations of the Counterclaims as though fully set forth herein.

16       71. Plaintiff admits that Plaintiff asserts claims of patent infringement against  
17 Defendant in the present action, such claims create an actual controversy between  
18 Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant  
19 to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph  
20 71 of the Counterclaims.

21 72. Plaintiff denies the allegations of Paragraph 72 of the Counterclaims.

22       73. Plaintiff lacks knowledge or information sufficient to admit or deny the  
23 allegations contained in Paragraph 73 of the Counterclaims, and therefore denies the  
24 allegations therein on this basis.

25 ||| 74. Plaintiff denies the allegations of Paragraph 74 of the Counterclaims.

26       75. Plaintiff admits that Defendant purports to assert a claim for declaratory  
27 judgment for invalidity of the D551 Patent. Plaintiff denies that Defendant is entitled  
28 to any relief. Plaintiff denies the remaining allegations of Paragraph 75 of the

1 Counterclaims.

2 **TENTH CAUSE OF ACTION**

3       76. Plaintiff repeats and realleges each of its preceding responses to the  
4 allegations of the Counterclaims as though fully set forth herein.

5       77. Plaintiff admits that Plaintiff asserts claims of patent infringement against  
6 Defendant in the present action, such claims create an actual controversy between  
7 Plaintiff and Defendant, and Defendant purports to assert claims and seek relief pursuant  
8 to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining allegations of Paragraph  
9 71 of the Counterclaims.

10      78. Plaintiff denies the allegations of Paragraph 78 of the Counterclaims.

11      79. Plaintiff lacks knowledge or information sufficient to admit or deny the  
12 allegations contained in Paragraph 79 of the Counterclaims, and therefore denies the  
13 allegations therein on this basis.

14      80. Plaintiff denies the allegations of Paragraph 80 of the Counterclaims.

15      81. Plaintiff admits that Defendant purports to assert a claim for declaratory  
16 judgment for invalidity of the D798 Patent. Plaintiff denies that Defendant is entitled  
17 to any relief. Plaintiff denies the remaining allegations of Paragraph 81 of the  
18 Counterclaims.

19 **ELEVENTH CAUSE OF ACTION**

20      82. Plaintiff repeats and realleges each of its preceding responses to the  
21 allegations of the Counterclaims as though fully set forth herein.

22      83. Plaintiff admits that Plaintiff asserts claims of trade dress infringement  
23 against Defendant in the present action, such claims create an actual controversy  
24 between Plaintiff and Defendant, and Defendant purports to assert a claim and seek  
25 relief pursuant to 15 U.S.C. §§ 1115, 1119, and 1120. Plaintiff denies the remaining  
26 allegations of Paragraph 83 of the Counterclaims.

27      84. Plaintiff denies the allegations of Paragraph 84 of the Counterclaims.

28      85. Plaintiff denies the allegations of Paragraph 85 of the Counterclaims.

1       86. Plaintiff denies the allegations of Paragraph 86 of the Counterclaims.  
2       87. Plaintiff denies the allegations of Paragraph 87 of the Counterclaims.  
3       88. Plaintiff denies the allegations of Paragraph 88 of the Counterclaims.  
4       89. Plaintiff denies the allegations of Paragraph 89 of the Counterclaims.  
5       90. Plaintiff denies the allegations of Paragraph 90 of the Counterclaims.  
6       91. Plaintiff denies the allegations contained in Paragraph 91 of the  
7 Counterclaims.

8 || 92. Plaintiff denies the allegations of Paragraph 92 of the Counterclaims.

## **TWELFTH CAUSE OF ACTION**

10        93. Plaintiff repeats and realleges each of its preceding responses to the  
11 allegations of the Counterclaims as though fully set forth herein.

12       94. Plaintiff admits that Plaintiff asserts claims of trade dress infringement  
13 against Defendant in the present action, such claims create an actual controversy  
14 between Plaintiff and Defendant, and Defendant purports to assert a claim and seek  
15 relief pursuant to 15 U.S.C. §§ 1115 and 1119. Plaintiff denies the remaining  
16 allegations of Paragraph 94 of the Counterclaims.

17 95. Plaintiff denies the allegations of Paragraph 95 of the Counterclaims.

18 ||| 96. Plaintiff denies the allegations of Paragraph 96 of the Counterclaims.

## **THIRTEENTH CAUSE OF ACTION**

20        97. Plaintiff repeats and realleges each of its preceding responses to the  
21 allegations of the Counterclaims as though fully set forth herein.

22       98. Plaintiff admits that Plaintiff asserts claims of trade dress infringement  
23 against Defendant in the present action, such claims create an actual controversy  
24 between Plaintiff and Defendant, and Defendant purports to assert a claim and seek  
25 relief pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining  
26 allegations of Paragraph 98 of the Counterclaims.

27 99. Plaintiff denies the allegations of Paragraph 99 of the Counterclaims.

28 || 100. Plaintiff admits that Defendant purports to assert a claim for declaratory

1 judgment for invalidity of the Bottle Trade Dress. Plaintiff denies that Defendant is  
2 entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 100 of the  
3 Counterclaims.

4 **FOURTEENTH CAUSE OF ACTION**

5 101. Plaintiff repeats and realleges each of its preceding responses to the  
6 allegations of the Counterclaims as though fully set forth herein.

7 102. Plaintiff admits that Plaintiff asserts claims of trade dress infringement  
8 against Defendant in the present action, such claims create an actual controversy  
9 between Plaintiff and Defendant, and Defendant purports to assert a claim and seek  
10 relief pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff denies the remaining  
11 allegations of Paragraph 102 of the Counterclaims.

12 103. Plaintiff denies the allegations of Paragraph 103 of the Counterclaims.

13 104. Plaintiff admits that Defendant purports to assert a claim for declaratory  
14 judgment for invalidity of the Label Trade Dress. Plaintiff denies that Defendant is  
15 entitled to any relief. Plaintiff denies the remaining allegations of Paragraph 104 of the  
16 Counterclaims.

17 **AFFIRMATIVE DEFENSES**

18 Plaintiff asserts the following affirmative defenses in the present action. There  
19 may be additional affirmative defenses to the Counterclaims that are currently unknown  
20 to Plaintiff. Therefore, Plaintiff reserves the right to amend its answer to the  
21 Counterclaims to allege any additional affirmative defenses, in the event that discovery  
22 of additional information indicates that they are appropriate.

23 **FIRST AFFIRMATIVE DEFENSE**

24 (Failure to State a Claim)

25 1. The Counterclaims fail to state a claim upon which relief can be granted.

26 **SECOND AFFIRMATIVE DEFENSE**

27 (Unclean Hands)

28 2. The Defendant's claims are barred, in whole or in part, because of the

1 doctrine of unclean hands.

2 **PRAYER FOR RELIEF**

3 Plaintiff denies all remaining allegations not expressly admitted or responded to  
4 herein. Plaintiff denies that Defendant is entitled to the relief requested, or to any relief.  
5 Plaintiff prays for relief as follows:

- 6 A. That the Court enter judgment against Defendant on its Counterclaims;  
7 B. That Defendant take nothing by way of its Counterclaims;  
8 C. That the Court dismiss the Counterclaims with prejudice; and  
9 D. For such other relief as the Court may deem just and proper.

10  
11 Respectfully submitted,

12 KNOBBE, MARTENS, OLSON & BEAR, LLP

13  
14 Dated: April 7, 2023 By: /s/ Jacob R. Rosenbaum  
15 Jacob R. Rosenbaum  
16 Ali S. Razai  
17 Paul A. Stewart  
18 Christian D. Boettcher

19  
20 Counsel for Plaintiff TROVE BRANDS, LLC d/b/a  
21 THE BLENDERBOTTLE COMPANY

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**CERTIFICATE OF SERVICE**

2 I hereby certify that on April 7, 2023, I cause the **PLAINTIFF'S ANSWER TO**  
3 **DEFENDANT'S COUNTERCLAIMS** to be electronically filed with the Clerk of the  
4 Court using the CM/ECF system, which will send electronic notification of such filing  
5 to the following counsel of record.

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